THE HONOURABLE SRI JUSTICE D.S.R.VARMA
AND
THE HONOURABLE SRI JUSTICE D.APPA RAO

TAKEN UP WRIT PETITION No.6500 OF 2007

Dated:19.06.2007

Between:

Visarapu Aruna Kumari

...Petitioner

And:

The Station House Officer,
III Town Police Station, Rajahmundry,
East Godavari District and
four others.

...Respondents

THE HONOURABLE SRI JUSTICE D.S.R.VARMA
AND
THE HONOURABLE SRI JUSTICE D.APPA RAO

TAKEN UP WRIT PETITION No.6500 of 2007

ORAL ORDER: *(per Hon'ble Sri Justice D.S.R.Varma)*

Heard the learned Government Pleader for Home appearing for the respondents.

2. This writ petition is taken up on the basis of a letter, dated 27.02.2007, addressed to the Hon'ble the Chief Justice, High Court of Andhra Pradesh, Hyderabad, by one Visarapu Aruna Kumari, resident of Rajahmundry, East Godavari District, alleging, *inter alia,* that on the morning of 24.02.2007, her son by name V.Vamshi

Krishna, aged 12 years, was kidnapped by her sister-in-law-Petala Vijayalaxmi and on contacting her on telephone, she demanded Rs.5 lakhs to hand over her son. It is further alleged that in spite of giving report to the Police, no action has been taken so far.

3. In response to the notice, issued by this Court, the first respondent-Additional Sub-Inspector of Police, III Town Police Station, Rajahmundry, East Godavari District, filed counter-affidavit stating, *inter alia,* that earlier, upon receiving a complaint from the petitioner about the missing of her son, a case in Crime No.175 of 2007 was registered initially under the head "Boy Missing" on 31.03.2007 and during the course of investigation, the boy stated that having vexed with the behaviour of his mother, he voluntarily went to his aunt's house. After obtaining permission from the Sub-Divisional Police Officer, the case was closed as "Action dropped". Subsequently, on 01.05.2007, the petitioner again lodged a complaint alleging that on 03.04.2007 one Smt Petala Vijayalaxmi, Smt Anuradha and Sri Rajesh kidnapped her son and the same was registered as a case in Crime No.233 of 2007 for the offences under Sections 365, 384, 506 read with Section 34 I.P.C. and investigation was taken up. During the course of investigation, the missing boy along with his aunt-Smt Petala Vijayalaxmi approached the III Town Police Station, Rajahmundry. Later, the said boy was produced before the V Additional Judicial First Class Magistrate, Rajahmundry, who recorded the statement of the said boy under Section 164 Cr.P.C. In the said statement made before the Magistrate, the boy stated that his mother, who is no other than the petitioner herein, did not care about him and hence, he voluntarily went to his aunt-Smt Petala Vijayalaxmi. He further categorically stated that he will not stay with his mother (the petitioner herein) and he would

prefer to live only with his aunt-Smt Petala Vijayalaxmi. After recording the said statement, the Magistrate came to a conclusion that the said boy was not kidnapped and accordingly, he was handed over to his aunt- Smt Petala Vijayalaxmi.

4. In view of the aforesaid facts and circumstances of the case that are revealed from the record, we do not see any reason whatsoever to proceed further in this matter.

5. For the foregoing, the writ petition is liable to be closed.

6. In the result, the writ petition is closed, at the stage of admission. It is made clear that the petitioner is at liberty to take appropriate steps available under law for the custody of her son. However, there shall be no order as to costs.

_____

D.S.R.VARMA, J

_____

D.APPA RAO, J

19.06.2007
dr